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1		The Honorable Barbara J. Rothstein
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6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
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8	PARLER LLC,	
9	Plaintiff,	No. 2:21-cv-00270-BJR
10 11	V.	AMAZON'S SUPPLEMENTAL
12	AMAZON WEB SERVICES, INC., and AMAZON.COM, INC.,	STATEMENT OPPOSING REMAND
13		
14	Defendants.	
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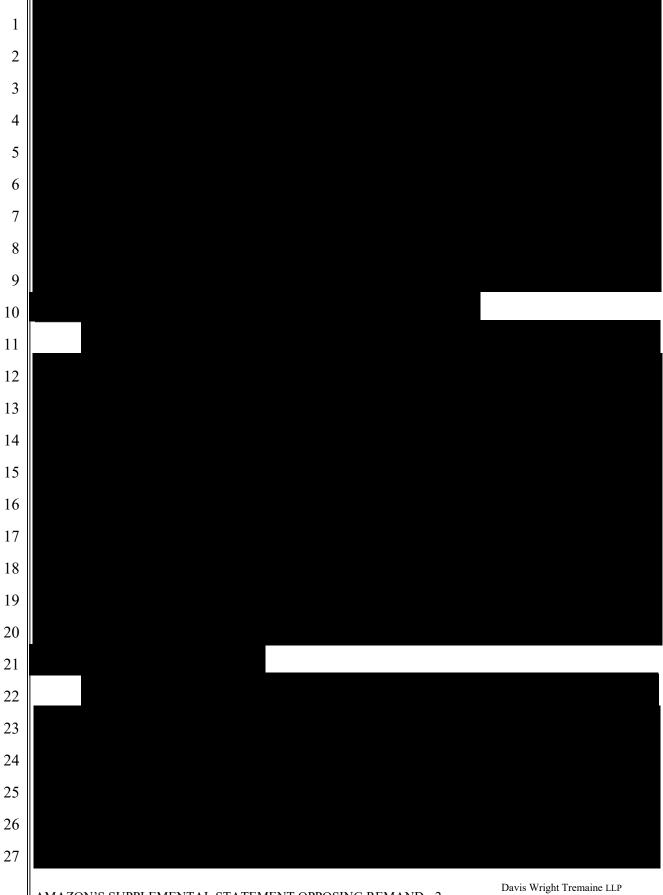
I. INTRODUCTION

Time and time again, Parler refused to turn over the trust instrument needed to determine its citizenship. And now we know why.

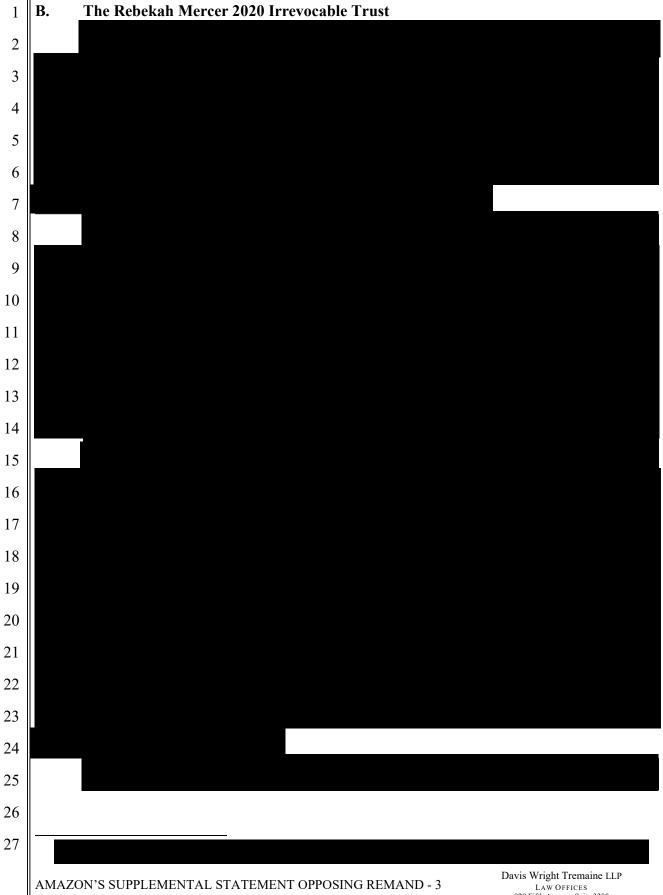
II. BACKGROUND

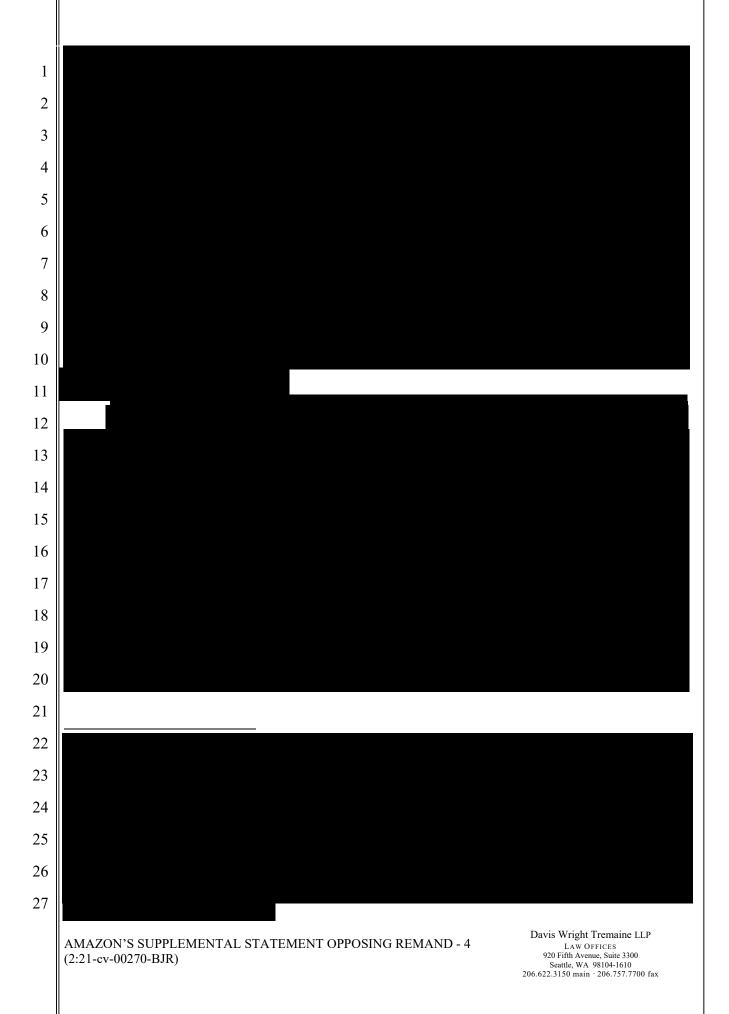
A. Delaware Trust Law

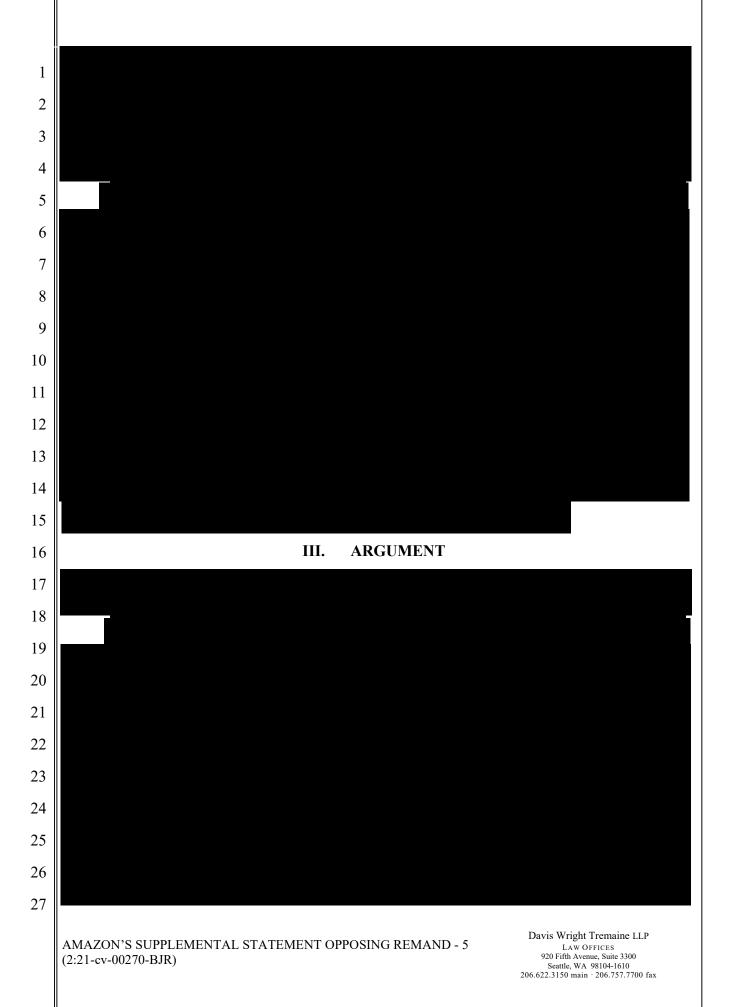
"A trust, by definition, grants to nonparties ownership rights and control over property, while cutting off control by the grantor." *Husband C. v. Wife C.*, 391 A.2d 745, 746 (Del. 1978). Unless the trust instrument provides otherwise, a trustee has "all of the powers over trust property that a legally competent, unmarried individual has with respect to individually owned property." Restatement (Third) of Trusts § 85 (2007) (June 2021 update); *see also* Bogert's The Law of Trusts & Trustees § 551 (3d ed. rev. 2006) (June 2021 update) (trustee's powers include those "a prudent man would exercise to accomplish the trust purposes"). As Delaware courts recognize, a "traditional trust" is one in "which the trustee has discretionary authority over the trust corpus." *J.P. Morgan Tr. Co. of Del. v. Fisher*, 2021 WL 2407858, at *4 (Del. Ch. June 14, 2021).



AMAZON'S SUPPLEMENTAL STATEMENT OPPOSING REMAND - 2 $(2:21\mbox{-}cv\mbox{-}00270\mbox{-}BJR)$









(2:21-cv-00270-BJR)

LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
206.622.3150 main · 206.757.7700 fax



AMAZON'S SUPPLEMENTAL STATEMENT OPPOSING REMAND - 7 (2:21-cv-00270-BJR)

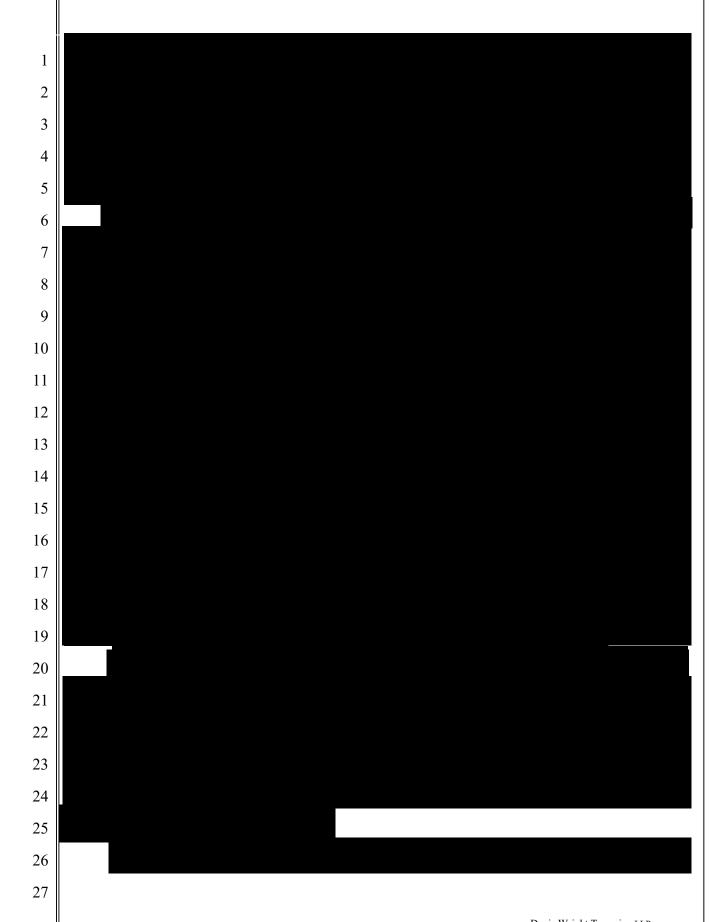
Davis Wright Tremaine LLP LAW OFFICES 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610 206.622.3150 main · 206.757.7700 fax

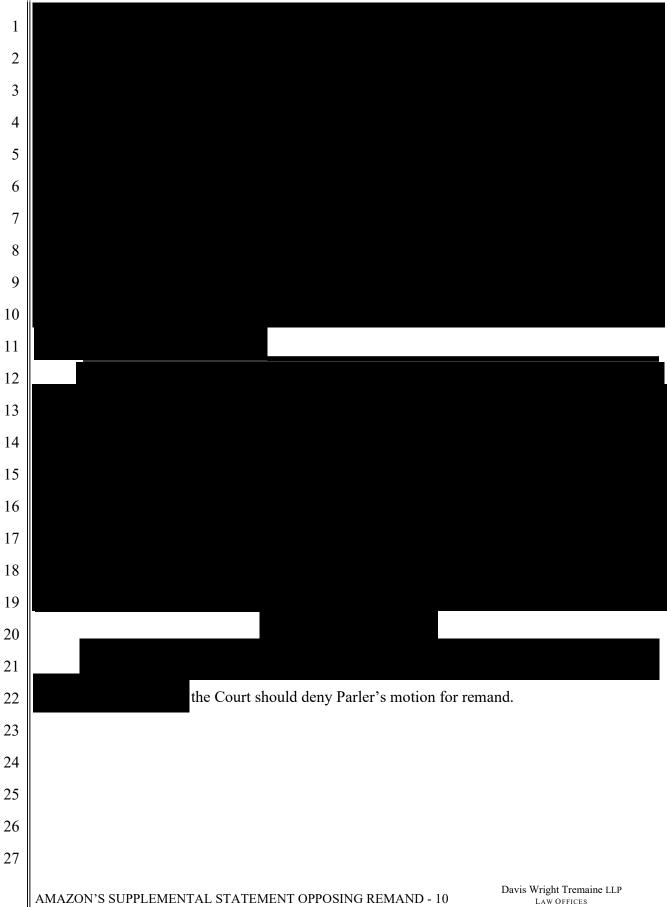


AMAZON'S SUPPLEMENTAL STATEMENT OPPOSING REMAND - 8 (2:21-cv-00270-BJR)

Davis Wright Tremaine LLP

LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
206.622.3150 main · 206.757.7700 fax





DATED this 22nd day of July, 2021. 1 Davis Wright Tremaine LLP 2 Attorneys for Defendants Amazon Web Services, Inc. and Amazon.com, Inc. 3 By *s/ Ambika Kumar* Ambika Kumar, WSBA #38237 4 Robert E. Miller, WSBA #46507 5 Caesar Kalinowski, WSBA #52650 920 Fifth Avenue, Suite 3300 Seattle, WA 98104-1610 6 Telephone: 206-622-3150 7 E-mail: AmbikaKumar@dwt.com RobertMiller@dwt.com 8 CaesarKalinowski@dwt.com 9 Alonzo Wickers IV (pro hac vice) 865 S. Figueroa Street, Suite 2400 10 Los Angeles, CA 90017 Telephone: 213-633-6800 11 E-mail: AlonzoWickers@dwt.com 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

CERTIFICATE OF SERVICE 1 I hereby certify that counsel of record have been served a true and correct copy of the 2 foregoing Supplemental Statement Opposing Remand by electronic mail through the Court's ECF 3 Notifications to the following: 4 5 Angelo J. Calfo, WSBA# 27079 6 CALFO EAKES LLP 1301 Second Avenue, Suite 2800 7 Seattle, WA 98101 Email: angeloc@calfoeakes.com 8 9 David J. Groesbeck, WSBA No. 24749 DAVID J. GROESBECK, P.S. 10 1333 E. Johns Prairie Rd. Shelton, WA 98584 11 Email: david@groesbecklaw.com 12 13 DATED this 30th day of July, 2021. 14 Davis Wright Tremaine LLP 15 Attorney for Defendants 16 By <u>s/ Ambika Kumar</u> Ambika Kumar, WSBA #38237 17 18 19 20 21 22 23 24 25 26 27